Memorandum to the City of Markham Committee of Adjustment

November 6, 2019

File:

A/93/19 & B/15/19

Address:

34 Main St. Unionville

Applicant:

Amica Unionville Inc. (Jack Winberg)
Amica Unionville Inc. (Kathryn Randle)

Agent: Hearing Date:

Wednesday November 13, 2019

The following comments are provided on behalf of the Central Team:

Minor Variance Application A/93/19

The Applicant requests relief from the following requirements of By-law 2004-196, as amended, as it relates to a proposed nine storey retirement home (the "current proposal"), as shown on Appendix "C":

1. Amending By-law 2010-48, Section 6.8.2(a):

a minimum width of landscaped strip along the southern lot line of 0 m, whereas the By-law requires a minimum width of 3 m;

2. Amending By-law 2010-48, Schedule E2:

a maximum of 294 retirement rooms of which a maximum of 16 may include cooking facilities, whereas the By-law permits a maximum of 283 retirement rooms.

3. Amending By-law 2010-48, Schedule E3:

a maximum height of 16 m in height layer 2, whereas the By-law permits a maximum height of 11.3 m.

4. Amending By-law 2010-48, Schedule E3:

a maximum height of 25 m in height layer 3, whereas the By-law permits a maximum height of 17.3 m.

5. Amending By-law 2010-48, Schedule E3:

a maximum height of 32 m in height layer 4, whereas the By-law permits a maximum height of 26.3 m.

6. Amending By-law 2010-48, Schedule E4:

a minimum setback of 9.9 m from the south lot line, whereas the By-law requires a minimum of 11 m.

7. Amending By-law 2010-48, Schedule E4:

a minimum north building setback at ground level of 5 m, whereas the By-law requires 7 m.

8. Amending By-law 2010-48, Schedule E4, Exception*4:

an underground parking garage to encroach 10.5 m into the south property line setback, whereas the By-law permits 8 m;

NOTE: Planning Staff recommend variance 7) be re-written as follows:

7. Amending By-law 2010-48, Schedule E4:

a minimum north building setback of 5 m from the Regional Flood Line, whereas, the By-law requires 7 m.

Consent Application File B/15/19

The Applicant requests provisional consent to establish easements for access and maintenance of the sanitary sewer in favour of Part 5, owned by Safe & Sound Self Storage Inc., over Parts 6, 7, 8 and 9, owned by Amica Unionville Inc. The proposed consent is to formalize an existing service already approved by the City, as shown on Appendix "D".

BACKGROUND

Property Description

The 1.2 ha (3.1 ac) subject lands are situated on the west side of Main Street Unionville, north of Enterprise Boulevard, municipally known as 34 Main Street (the "subject lands"). Bill Crothers Drive, which connects Bill Crothers Secondary School to Enterprise Boulevard, bisects the subject lands into an east and west parcel.

The east parcel is comprised of Phases 1 and 2. Phase 1 was completed in 2015 and consists of a nine storey retirement home. Phase 2, subject to these applications, is the vacant parcel to the east of the existing Phase 1 building and fronts Main Street Unionville. The east parcel comprises Phase 3, which serves as a surface visitor parking lot for Phase 1 and is intended for future development.

Subject lands were zoned in 2010 to permit a nine storey retirement home In 2010, a site specific Zoning By-law Amendment (referred to as "Amending By-law 2010-48") was passed, which permits all three phases of development (the "original proposed development") consisting of the following:

- the Phase 1 and 2 lands each with a nine storey retirement home (linked by a podium) with a total of 283 retirement rooms
- the Phase 3 lands with a nine storey retirement home with a total of 110 retirement rooms.

The plans for Phases 1 and 2 were substantially advanced. Amending By-law 2010-48 was tailored to accommodate the original proposed development. Since 2010, revisions to the built form have been made resulting in the requested variances.

Proposal

The current proposal is the subject of a formal Site Plan Approval application currently under review by City staff (File SC 14 120628) and consists of the following:

- a) a nine storey retirement home with a gross floor area (GFA) of 11,507 m² (123,863 ft²) and a total of 143 units
- b) a private driveway that is shared with Phase 1 and the lands to the south (28 Main Street) that extends from Bill Crothers Drive to Main Street Unionville
- c) one level of underground parking consisting of 58 spaces.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and further updated on April 9, 2018)

The 2014 Official Plan designates the subject lands "Mixed Use High Rise" and "Greenway". The "Mixed Use High Rise" designation permits a mix of residential, retail, restaurant and service uses that contribute to the creation of complete communities. The "Greenway" designation applies to a portion of the subject lands within the Regional Flood Line, which is not intended for development.

Section 9.12.4 of the 2014 Official Plan states that until an updated Secondary Plan is approved for the Regional Centre-Markham Centre lands, the provisions of the Official Plan (Revised 1987), as amended, and Markham Centre Secondary (OPA 21), as amended, shall apply to the lands.

Markham Centre Secondary Plan (OPA 21)

The subject lands are further designated "Community Amenity Area-General" in the Markham Centre Secondary Plan, which permits institutional uses such as retirement homes.

Zoning By-Law 2004-196, as amended

The subject lands are zoned "Markham Centre Downtown Two *8" (MC-D2 *8), "Markham Centre Downtown Two *8 (Hold 8)" [MC-D2*8(H8)], "Markham Centre Downtown Two *9 (Hold 9) [MC-D2 *9(H9)], and "Markham Centre Public Space Two" (MC-PS2) by By-law 2004-196, as amended. The MC-D2*8 and MC-D2*9 zone categories permit a retirement home and accessory uses. The MC-PS2 zone category permits soft and hard landscape, including terraces and walkways, pathways and trails, and amenity space.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the Applicant, the reasons for not complying with Zoning are as follows: "In March 2010, by-law 2010-48 was passed which provided zoning permissions for all three phases of our 34 Main Street property. Phase 1 was built and occupied in 2015. Since 2015 our partner, Amica Senior Lifestyles, has expanded and developed their brand and product. We are seeking minor revisions to the approved built form to address new ideas, improved functionality and enhanced operations".

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. However, the Applicant has received comments from the City's Building Department through their Site Plan Approval circulation process to confirm the variances required to facilitate the proposed development.

COMMENTS

Requested Variances (A/93/19)

The proposed variances include relief to site-specific development standards pertaining to the following:

- a) minimum required landscape strip width
- b) number of retirement rooms
- c) height
- d) minimum required setbacks
- e) underground parking encroachment

a) Minimum Required Landscape Strip Width

Variance 1) applies to the landscape strip located along the southerly lot line and the shared private driveway. Through negotiations with the landowner to the south, a shared driveway access arrangement has been achieved, which is supported by City staff. This has resulted in the re-alignment of the curbs and driveway entrance at Main Street Unionville. At its widest, the landscape strip is 1.5 metres and gradually tapers down to 0 metres at Main Street Unionville.

b) Number of Retirement Rooms

Variance 2) pertains to the number of retirement rooms and seeks permission to allow a maximum of 16 rooms to include cooking facilities. The Phase 2 building was originally planned to be for only independent rooms. With the demand for memory care from Phase 1, the Applicant has introduced memory care floors, which due to their size, results in a greater number of overall rooms. A request to allow a maximum of 16 rooms to include cooking facilities has also been introduced for residents who wish to prepare their own meals.

In order to ensure the proposed retirement rooms with cooking facilities are not converted into dwelling units, which are expressly not permitted in Amending Bylaw, 2010-48, a condition of approval is recommended ensuring that all retirement rooms/units will be registered in accordance with the *Retirements Homes Act* (refer to Appendix "A").

c) Height

Variances 3), 4) and 5) pertain to the height of the building in layers 2, 3 and 4. Amending By-law 2010-48 was tailored to ensure that the height of the building was stepped back from Main Street Unionville with the lowest building height in layer 1. The increases in height for layers 2, 3 and 4 are a result of modifications to the built form, but still maintain the intent of the Zoning By-law by stepping up the building height from the Main Street Unionville interface.

f) Minimum Required Setbacks

Variance 6) pertains to the minimum setback from the south lot line. This variance results from the southerly shift of the Phase 2 building that would further

articulate the built form. Variance 7) pertains to the minimum setback from the Regional Flood Line, which runs along the northern portion of the subject lands. The ground floor of the building meets the required 7 m setback to the Regional Flood Line. However, a portion of the building above the ground floor encroaches 2 m into the required 7 m setback, which would yield a 5 m setback above grade.

d) Underground Parking Encroachment

The original proposed development contemplated two levels of underground parking that coincided with the building footprint above. Variance 8) is a result of the Applicant extending the P1 parking level south (beneath the private driveway), thereby eliminating the need for a second parking level (P2).

The Four Tests

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) the variance must be minor in nature
- b) the variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure
- c) the general intent and purpose of the Zoning By-law must be maintained
- d) the general intent and purpose of the Official Plan must be maintained

The proposed variances are minor in nature and represent minimal deviations from Amending By-law 2010-48. Staff opines that the variances are desirable and facilitate a proposed development that is compatible with surrounding uses and provides options for assisted living, memory care and independent suites within one building. Staff further opines that the proposed variances meet the intent of both the Zoning By-law and the Official Plan, as the uses are permitted and the objective of stepping building heights from Main Street Unionville is maintained.

Requested Consent (B/15/19)

A 200 mm sanitary sewer was installed by the Applicant at the time Phase 1 was constructed. The sanitary sewer extends from the Phase 3 parcel, crosses Bill Crothers Drive and continues through the Phase 1 and Phase 2 lands ending at the east property boundary. Due to the re-design of the underground parking garage for Phase 2, a portion of the sanitary sewer that fronts onto the proposed development needs to be relocated south by approximately 3.5 m to avoid any potential conflicts. The relocated sanitary sewer will be located entirely on the subject lands, approximately 0.5 m from the underground parking garage. An easement is required in favour of Phase 3 (Safe & Sound Storage Inc.) for access and maintenance of the sanitary sewer on Phase 1 and Phase 2 (Amica Unionville Inc). The easement would be for both above and below grade for maintenance and repair.

Staff have no objection to the proposed consent for easements.

Comments from External Agencies

York Region

York Region have advised they have no comments on the subject minor variance and consent applications.

Toronto and Region Conservation Authority ("TRCA")

A portion of the subject lands are located within a regulated area of the TRCA. The TRCA have advised that they have no objection to the subject minor variance and consent applications subject to the Applicant obtaining a permit from the TRCA and submitting updated plans to their satisfaction (see Appendix "E").

PUBLIC INPUT SUMMARY

No written submissions were received as of November 6, 2019. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the applications with respect to Sections 45(1) and 51(24) of The *Planning Act*, R.S.O. 1990, c. P.13, as amended, and have no objection to the subject consent and minor variance applications. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendices "A" & "B" for conditions to be attached to any approval of the applications.

PREPARED BY:

Sabrina Bordone, Senior Planner, Central District

REVIEWED BY:

Stephen Lue, Development Manager, Central District

File Path: Amanda\File\ 19 134556 \Documents\District Team Comments Memo

Appendices:

Appendix "A": Conditions of Approval (A/93/19) Appendix "B": Conditions of Approval (B/15/19)

Appendix "C": Current Proposal

Appendix "D": Plan 64R-32741 (showing parts subject to easement)

Appendix "E": Correspondence from the Toronto and Region Conservation Authority

dated November 1, 2019

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/93/19

- 1. The variances apply only to the proposed development as long as it remains.
- 2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "C" to this Staff Report and received by the City of Markham on September 13, 2019, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled.
- 3. That all retirement rooms/units will be registered in accordance with the *Retirement Homes Act*.
- 4. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "E" to this Staff Report, to the satisfaction of the Toronto and Region Conservation Authority, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Toronto and Region Conservation Authority.

Sabriga Bordone, Senior Planner, Central District

CONDITIONS PREPARED BY:

APPENDIX "B" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/15/19

- Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
- 2. Submission to the Secretary-Treasurer of the required transfers to effect the consent for easement applied for under File B/15/19, in duplicate, conveying the easements and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
- 3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
- 4. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "E" to this Staff Report, to the satisfaction of the Toronto and Region Conservation Authority, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Toronto and Region Conservation Authority.
- 5. Fulfillment of all the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:

Saprina Bordone, Senior Planner, Central District

ARCHITECTURAL DRAWING LIST

A101 SITE PLAN A101SPA SPA SITE PLAN P1 PARKING LEVEL & GROUND FLOOR PLANS A201 SECOND & THIRD FLOOR PLANS A203 FOURTH & FIFTH FLOOR PLANS SIXTH & SEVENTH FLOOR PLANS A204 A205 EIGHTH & NINTH FLOOR PLANS A206 PENTHOUSE & ROOF PLANS P1 PARKING LEVEL PLAN - PHASE 2 A210 A211 GROUND FLOOR PLAN - PHASE 2 2ND FLOOR PLAN - PHASE 2 A212 3RD FLOOR PLAN - PHASE 2 A213 A214 4TH FLOOR PLAN - PHASE 2 5TH FLOOR PLAN - PHASE 2 A215 6TH FLOOR PLAN - PHASE 2 A216 A217 7TH FLOOR PLAN - PHASE 2 A218 8TH FLOOR PLAN - PHASE 2 9TH FLOOR PLAN - PHASE 2 A219 A220 PENTHOUSE FLOOR PLAN - PHASE 2 A221 ROOF PLAN - PHASE 2

A301 NORTH & SOUTH ELEVATIONS - OVERALL
A302 NORTH ELEVATION-PHASE 2
A303 SOUTH ELEVATION-PHASE 2
A401 BUILDING SECTIONS
BUILDING SECTIONS



PROPOSED RETIREMENT DEVELOPMENT-PHASE 2

AMICA UNIONVILLE INC.

34 MAIN STREET MARKHAM, ONTARIO

ISSUED FOR:

- O ISSUED FOR CO-ORDINATION
- O RE-ISSUED FOR SITE PLAN APPROVAL
- RE-ISSUED FOR COMMITTEE OF ADJUSTMENT VARIANCE
- O ISSUED FOR BUILDING PERMIT APPLICATION
- O ISSUED FOR TENDER
- O ISSUED FOR ADDENDUM No.1
- O ISSUED FOR CONSTRUCTION

DATE PRINTED: 9/9/2019 3:43:39 PM

PROJECT No.: 17A156



247 Spedino Avenue, 4th Floor

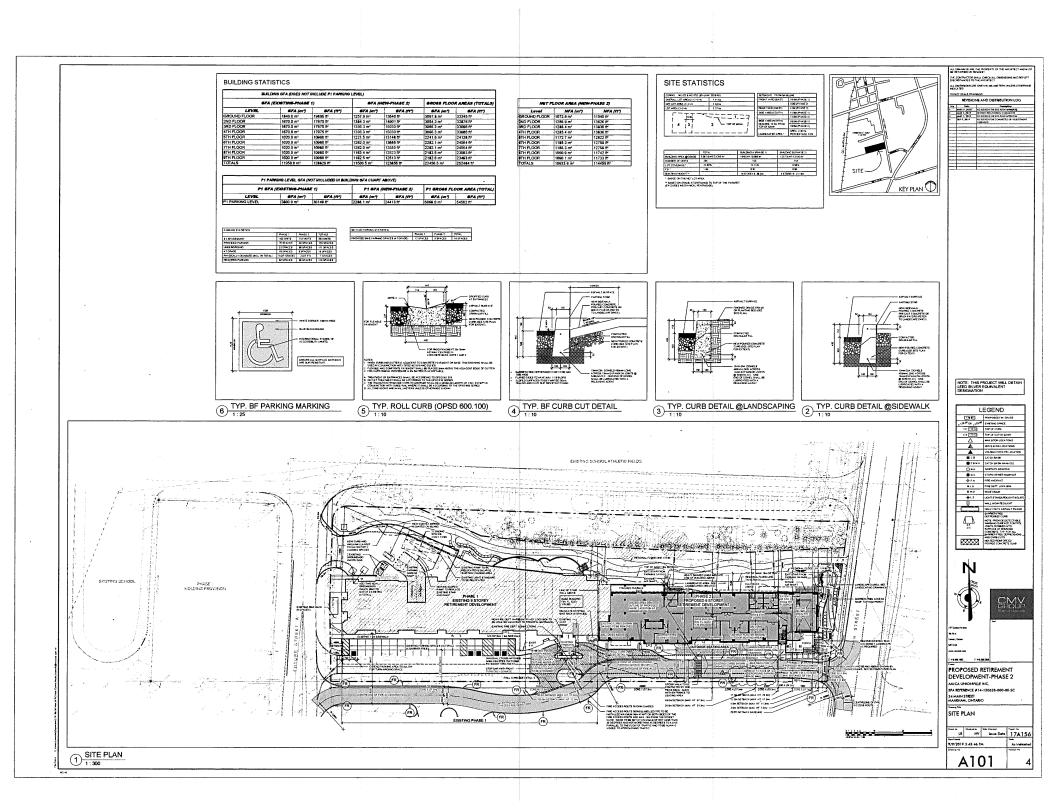
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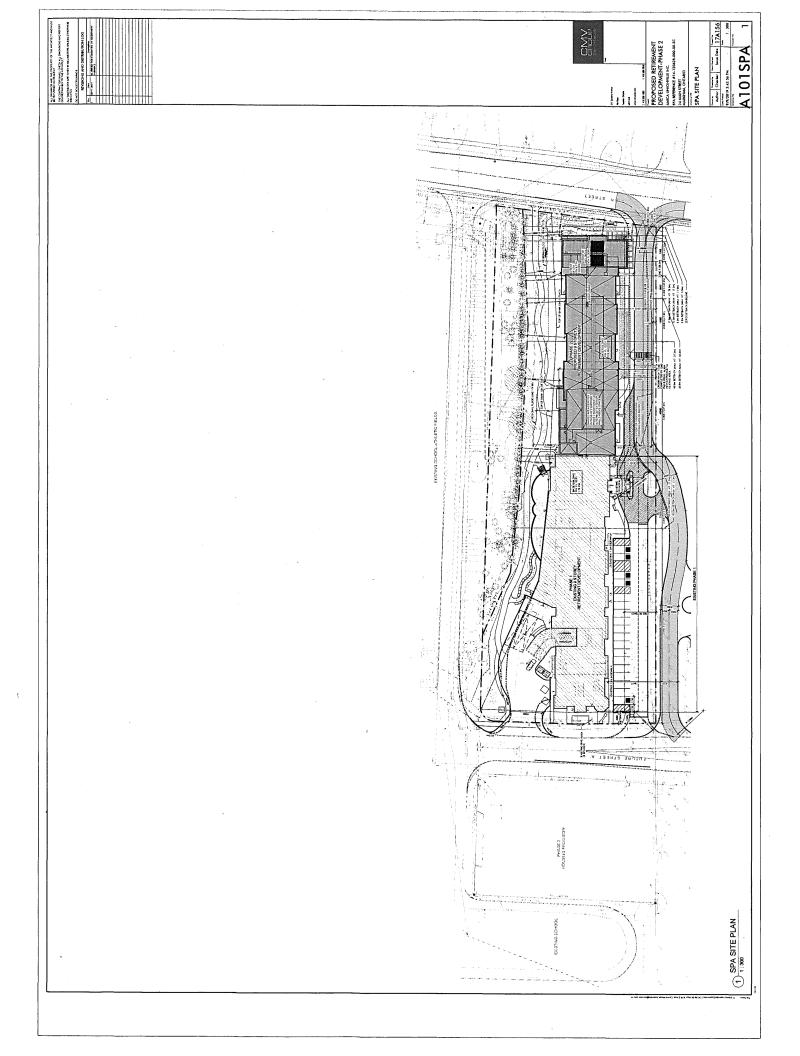
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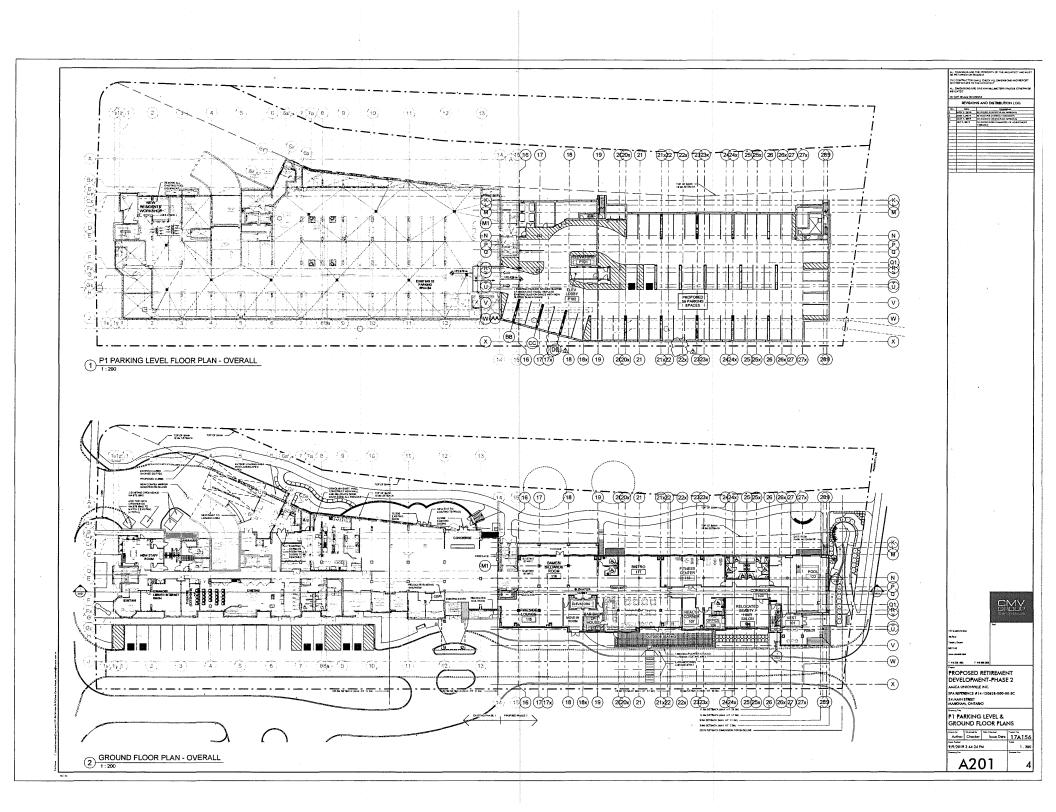
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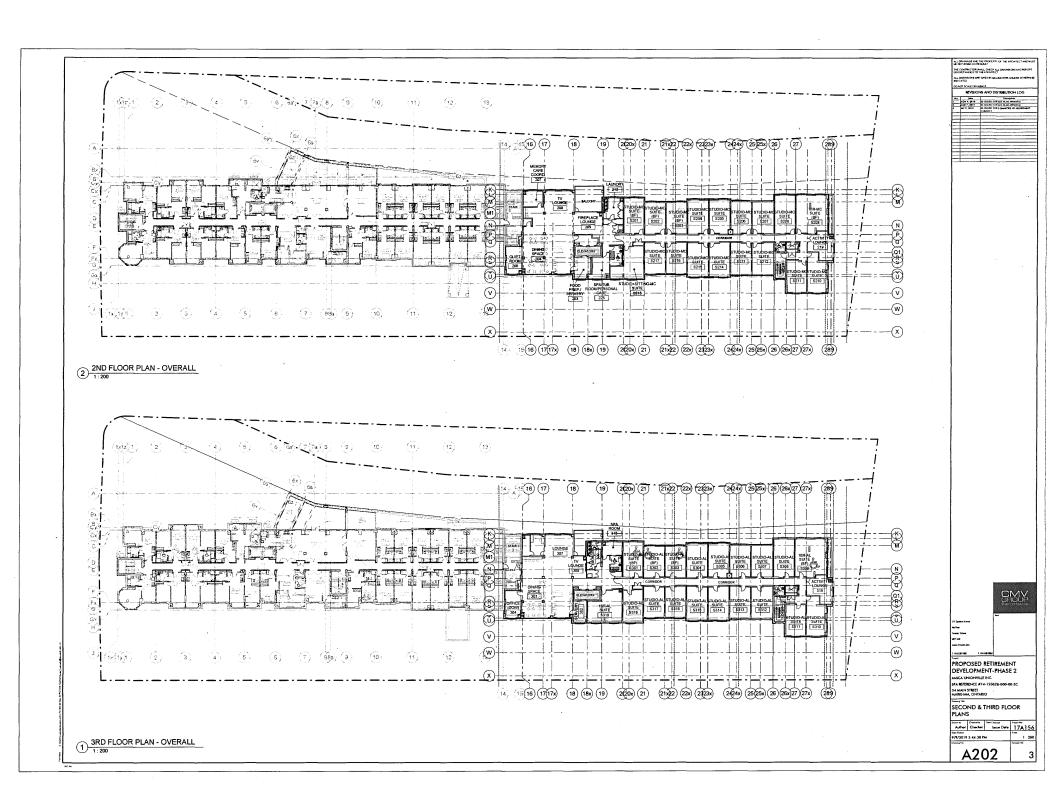
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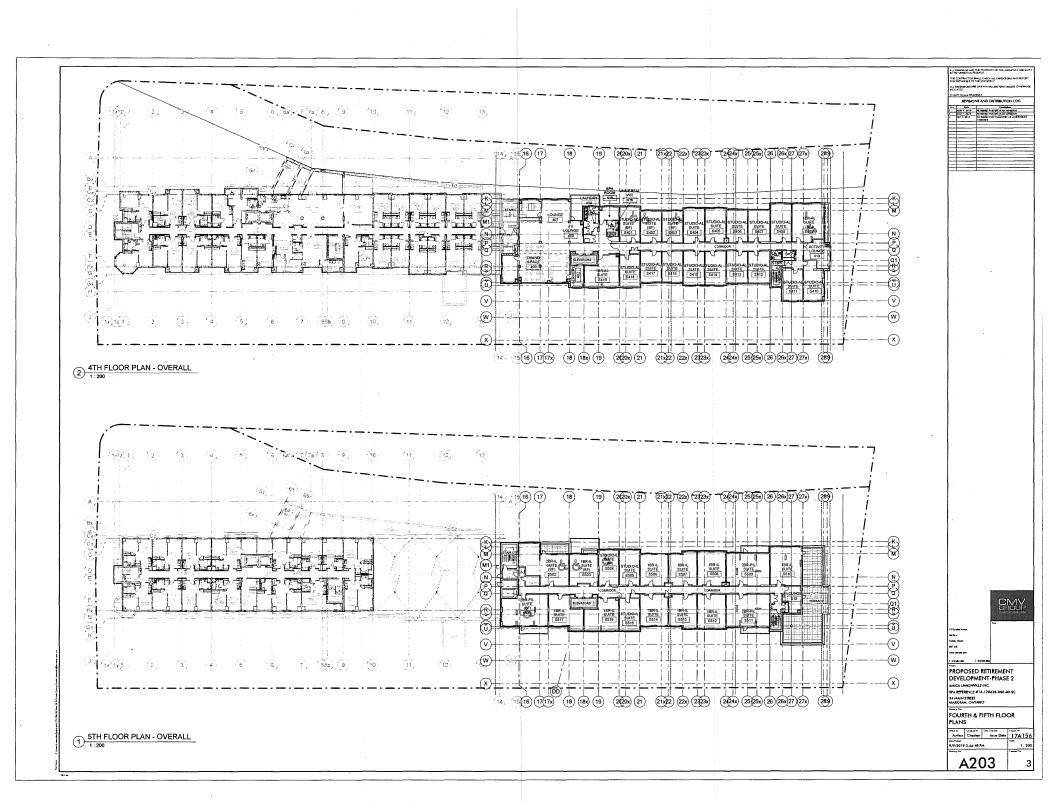


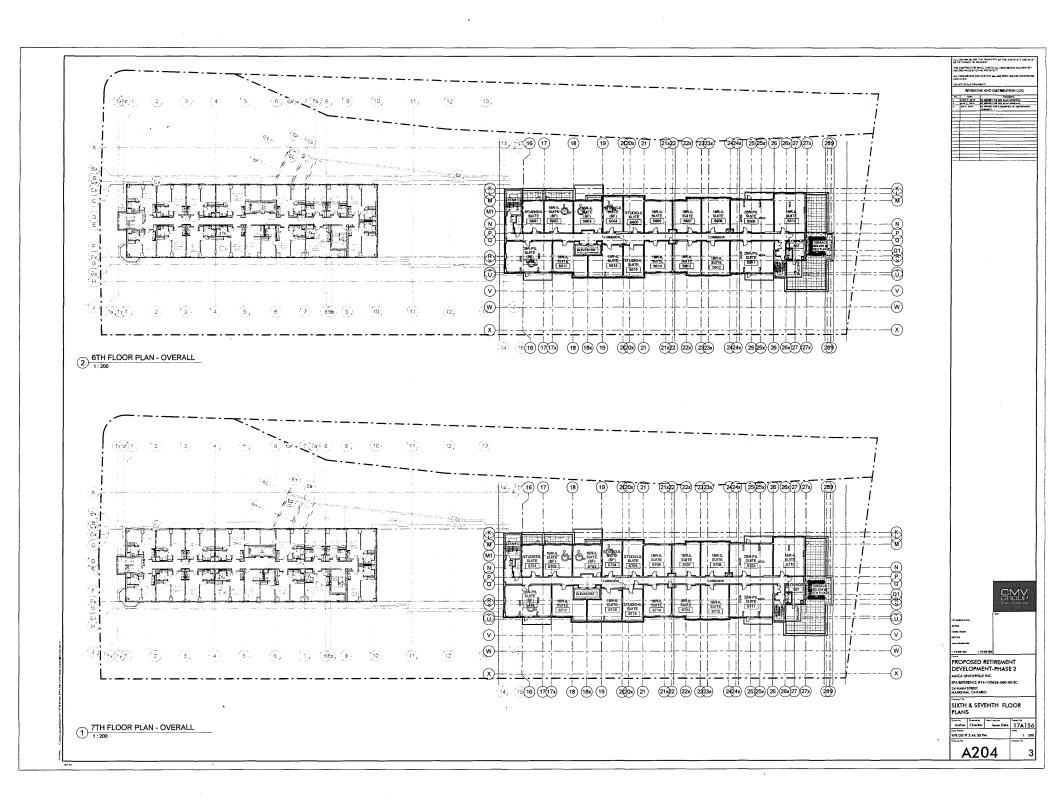


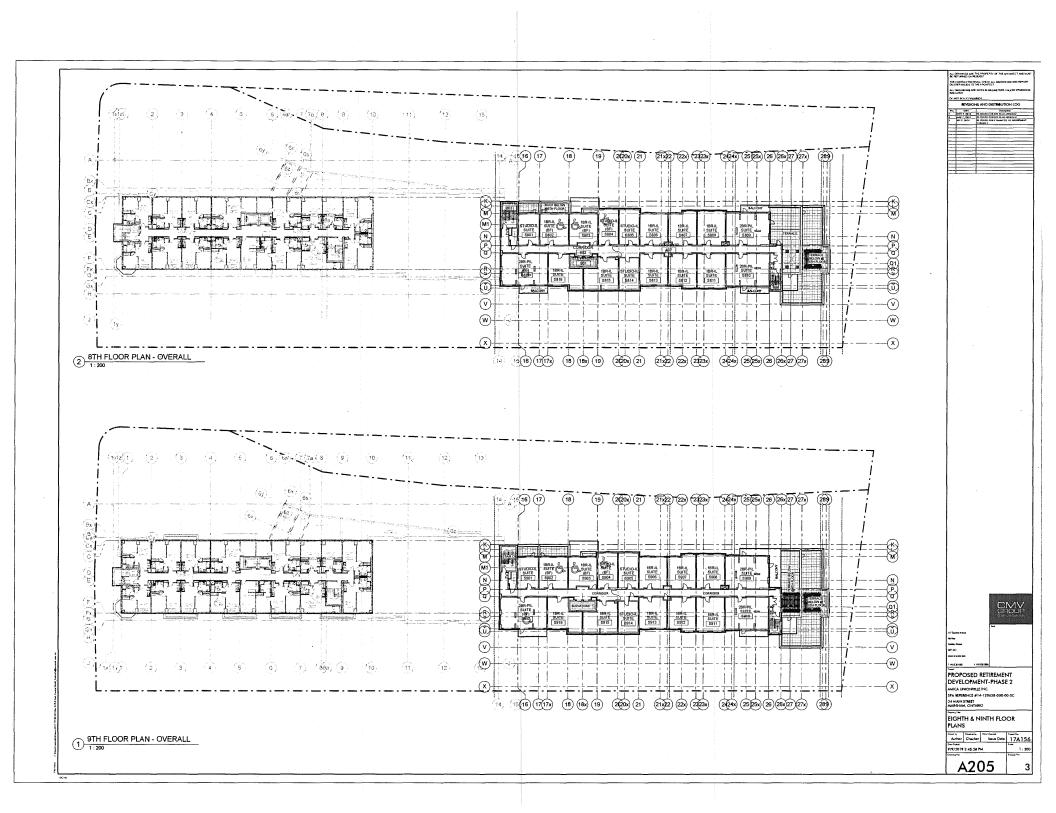


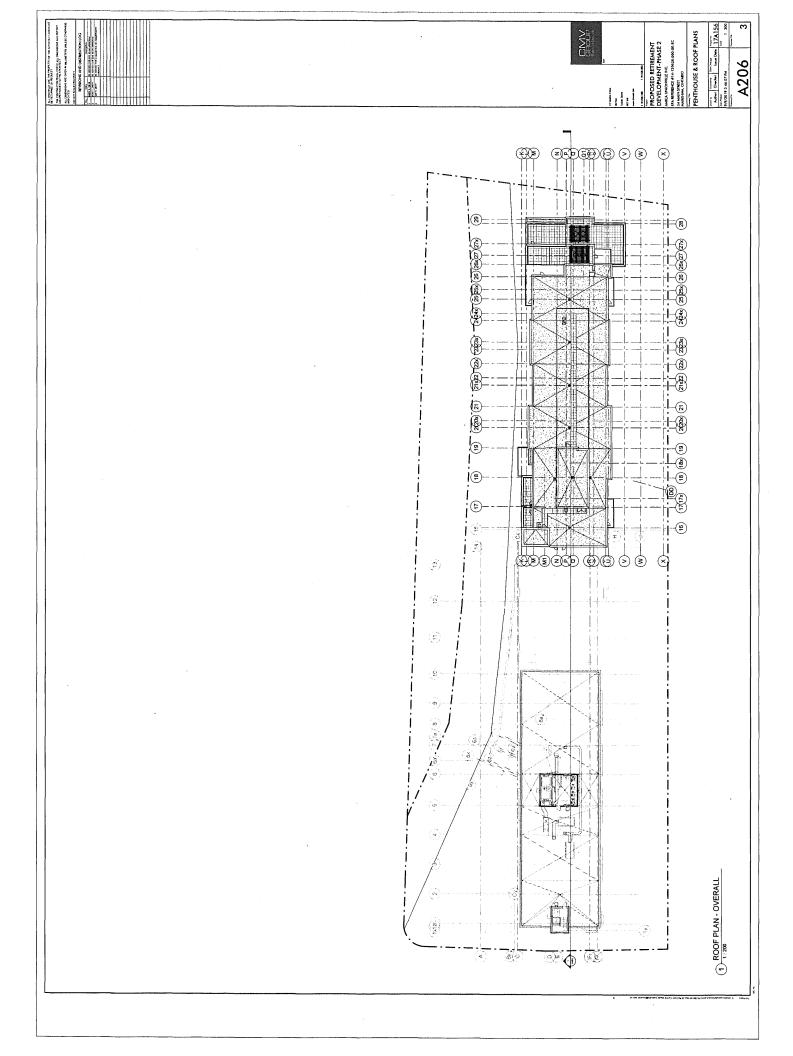


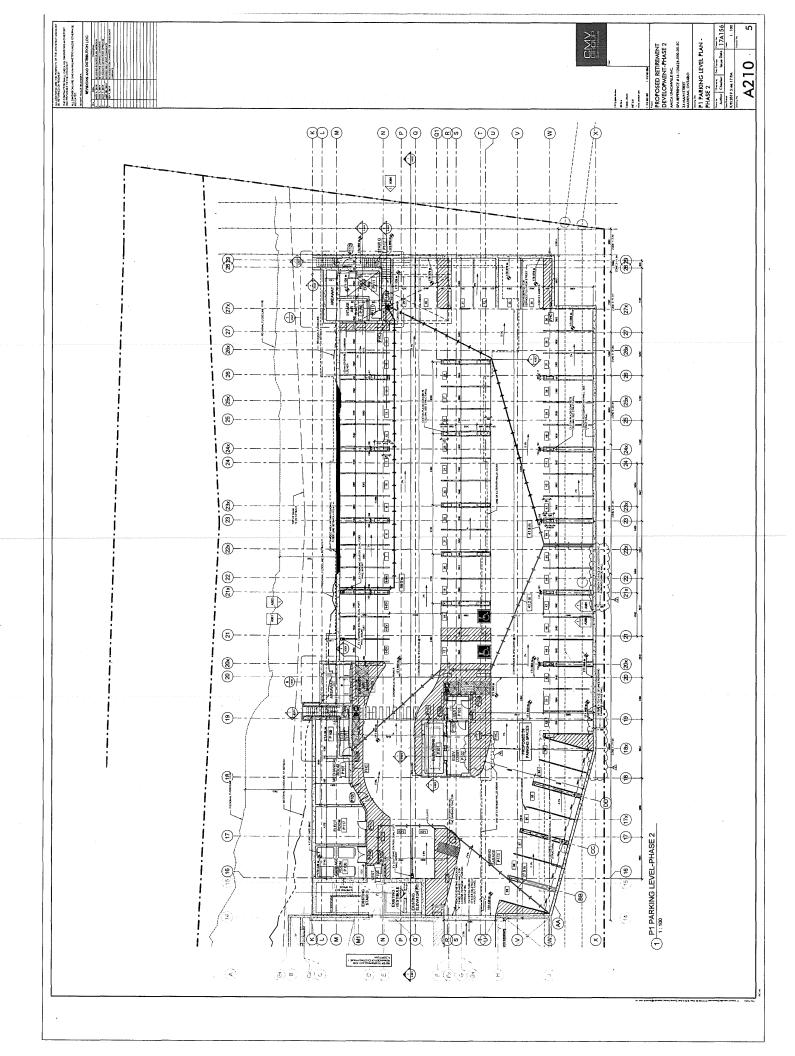


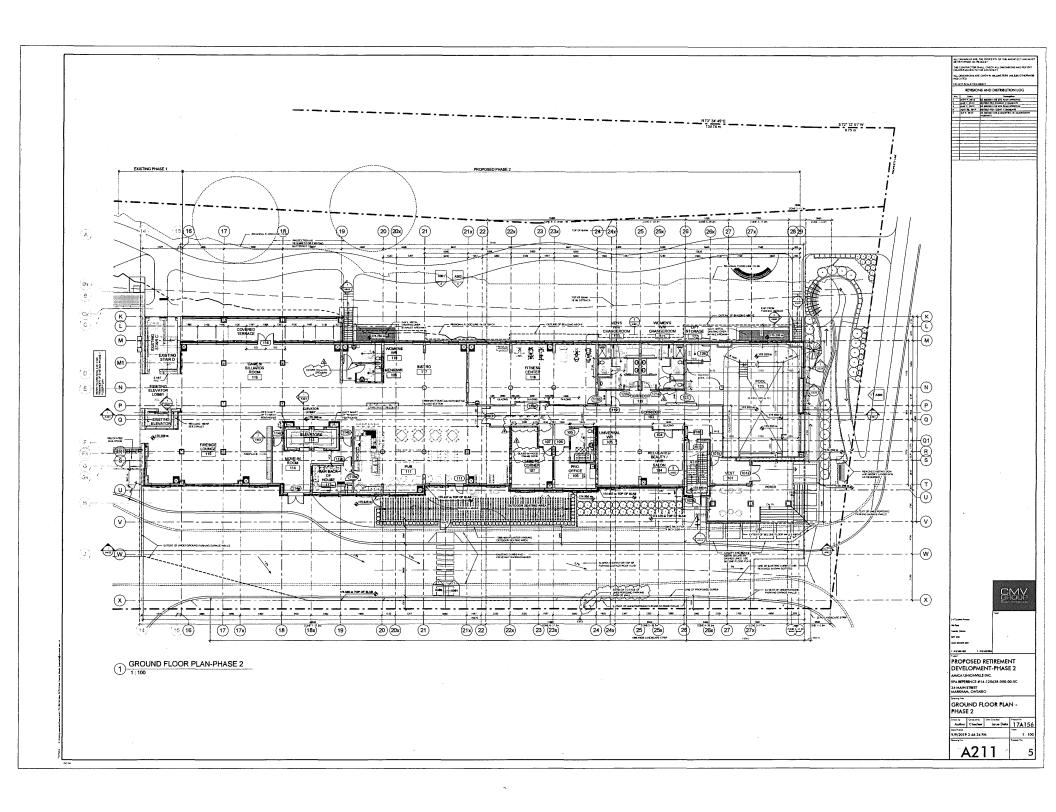


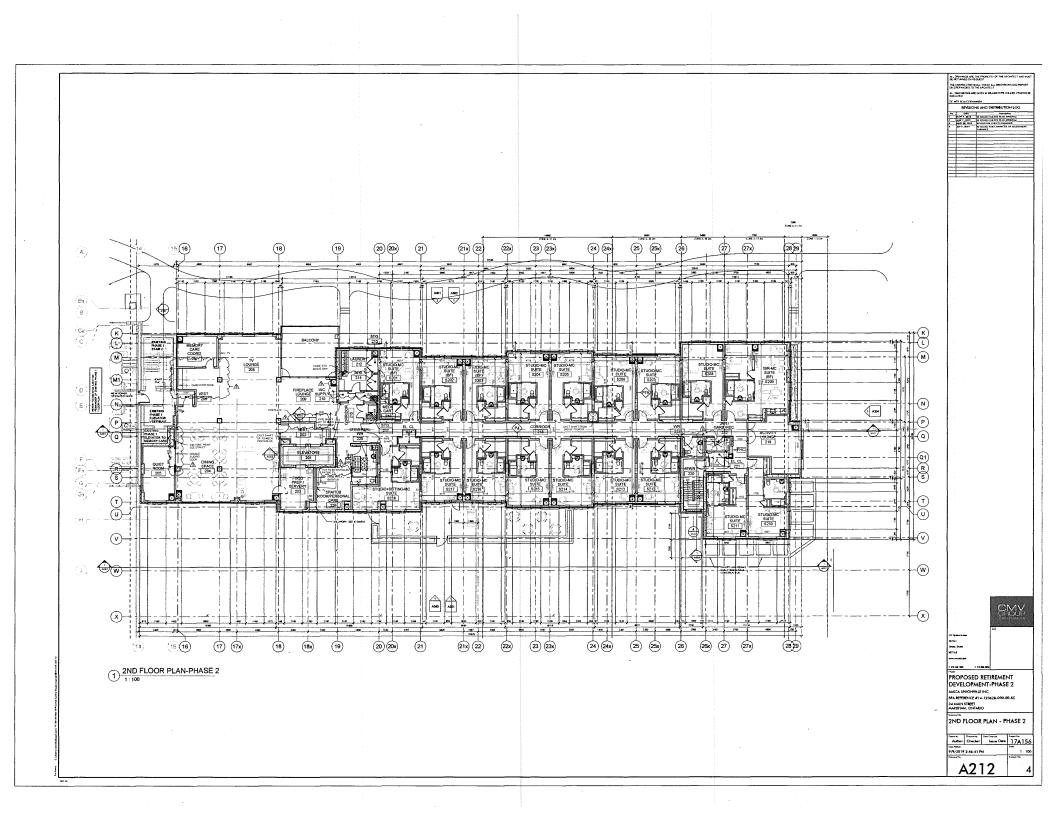


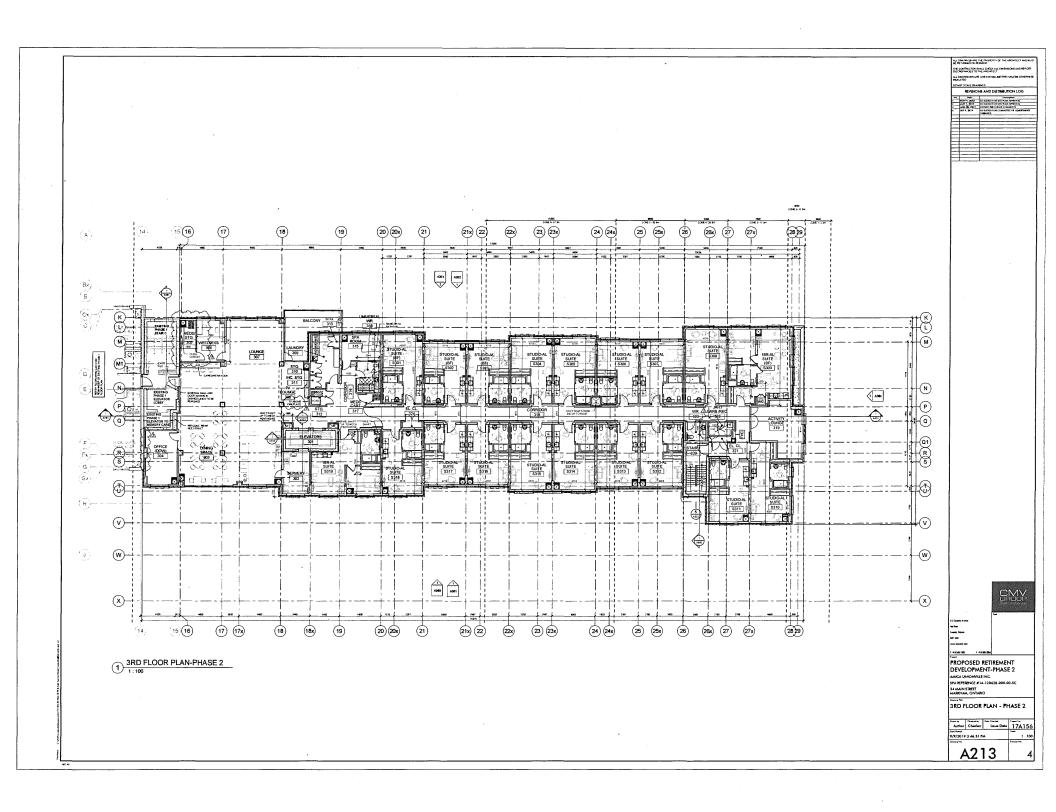


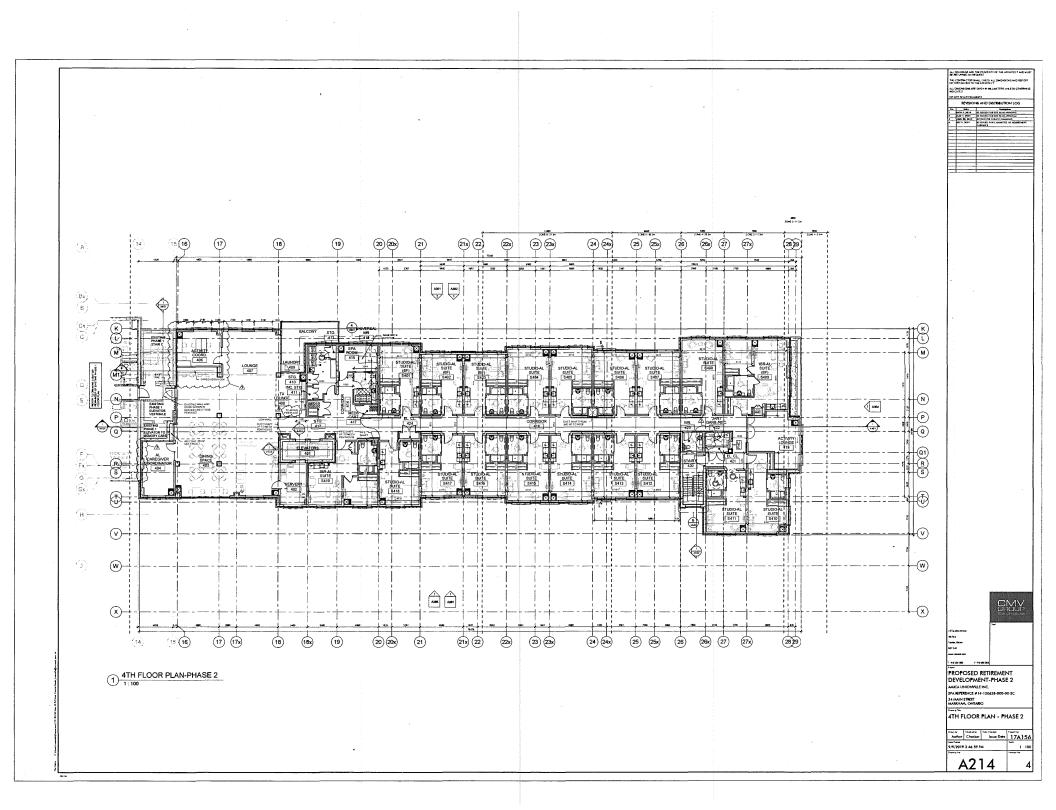


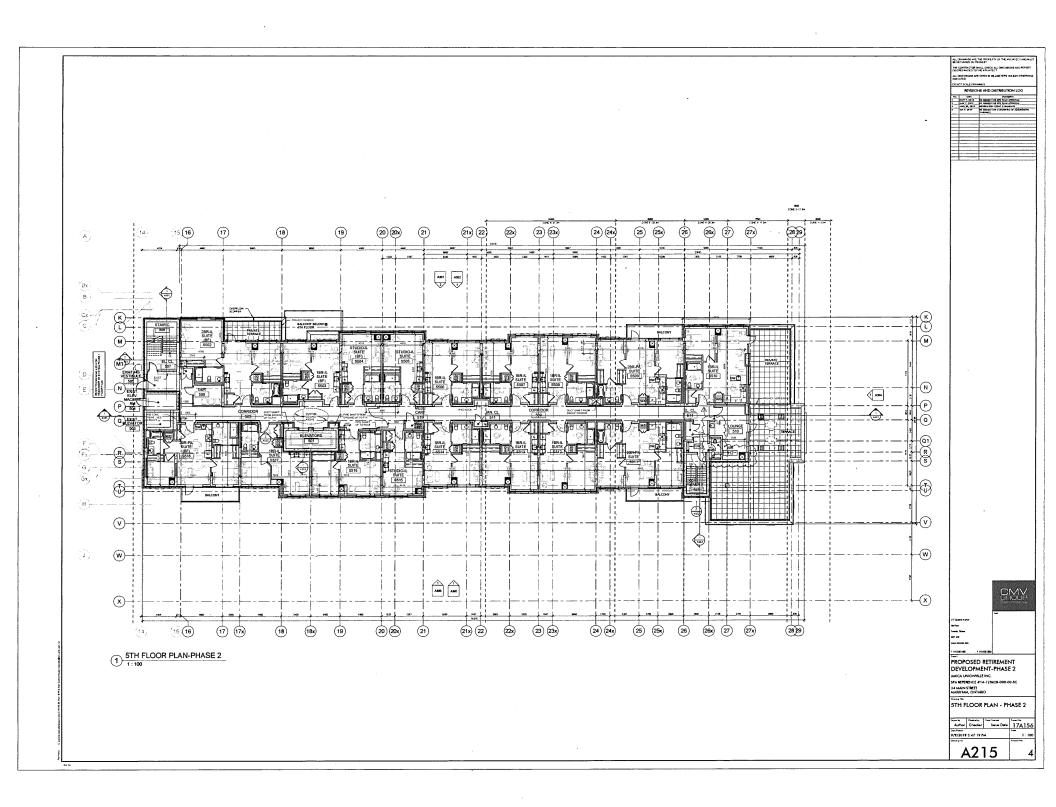


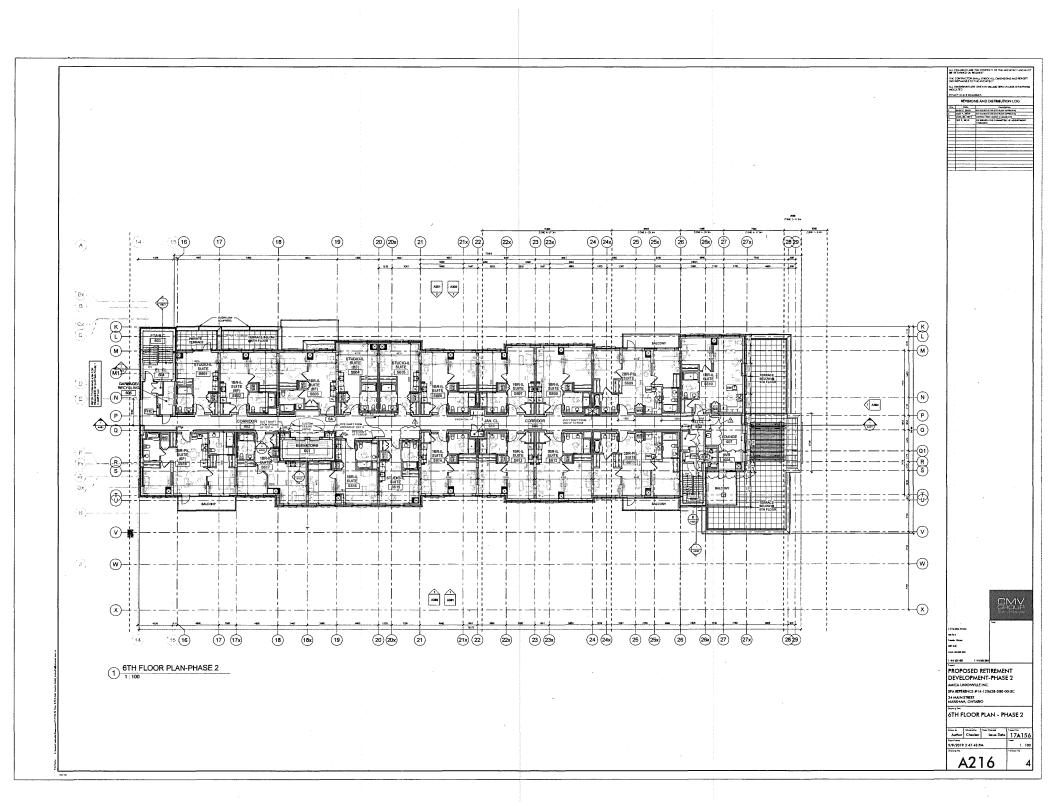


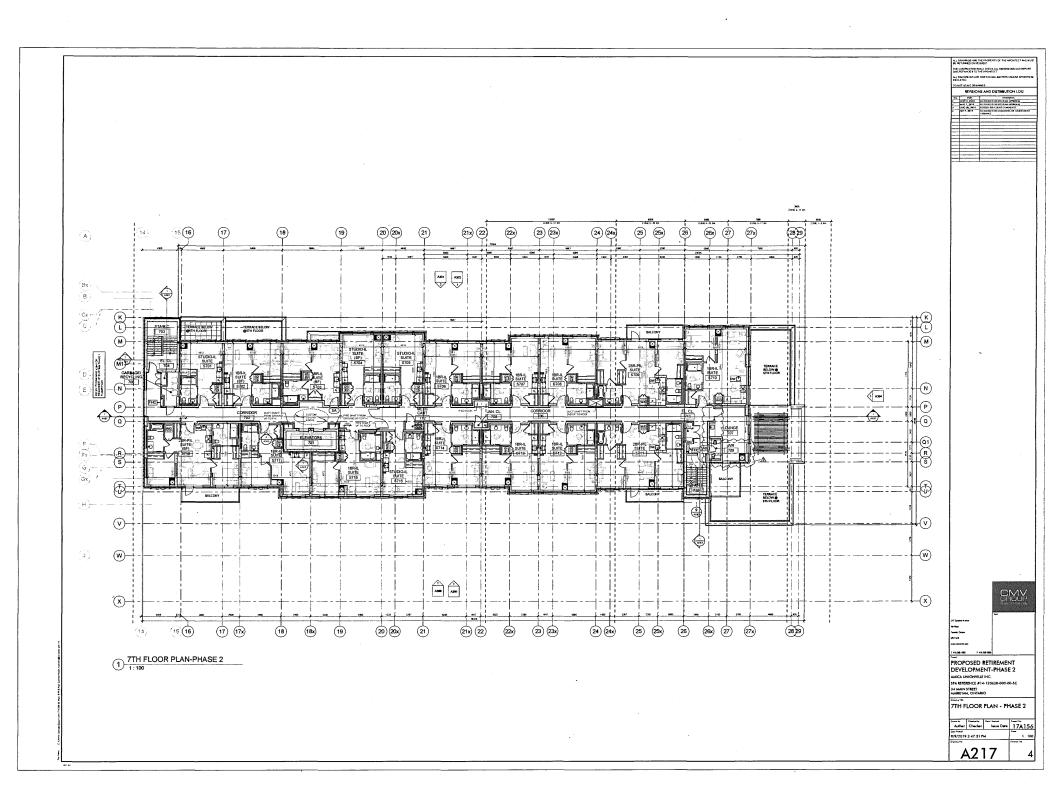


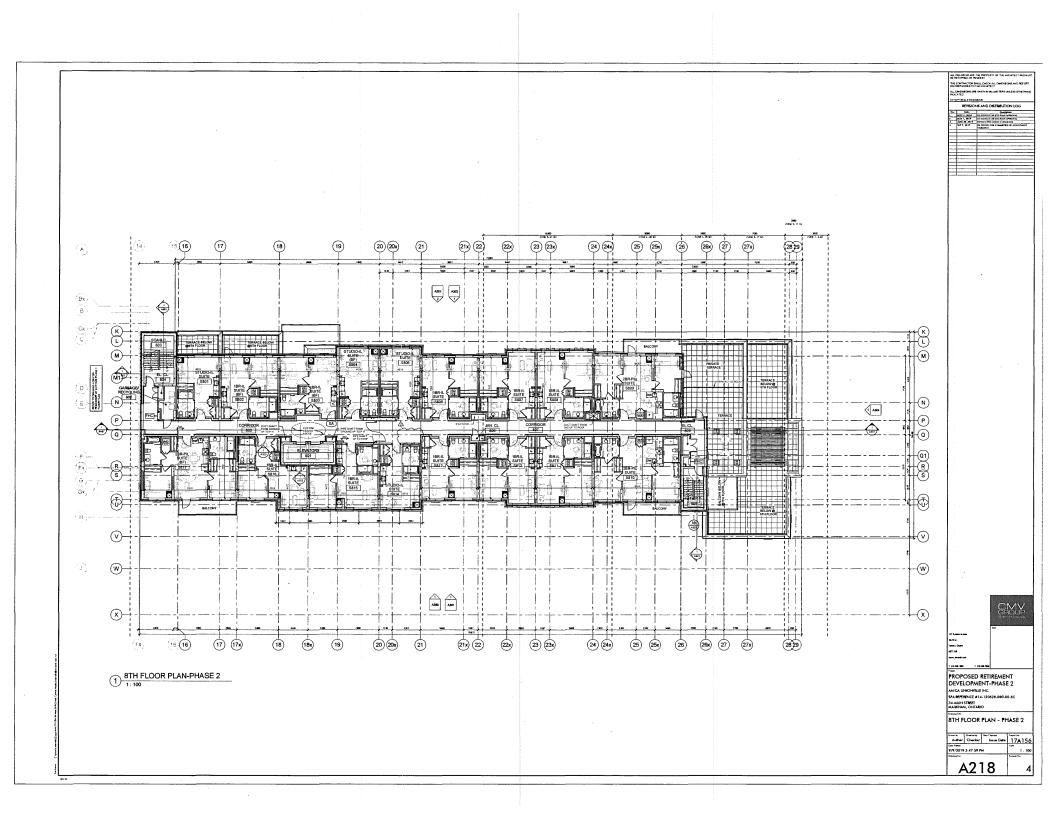


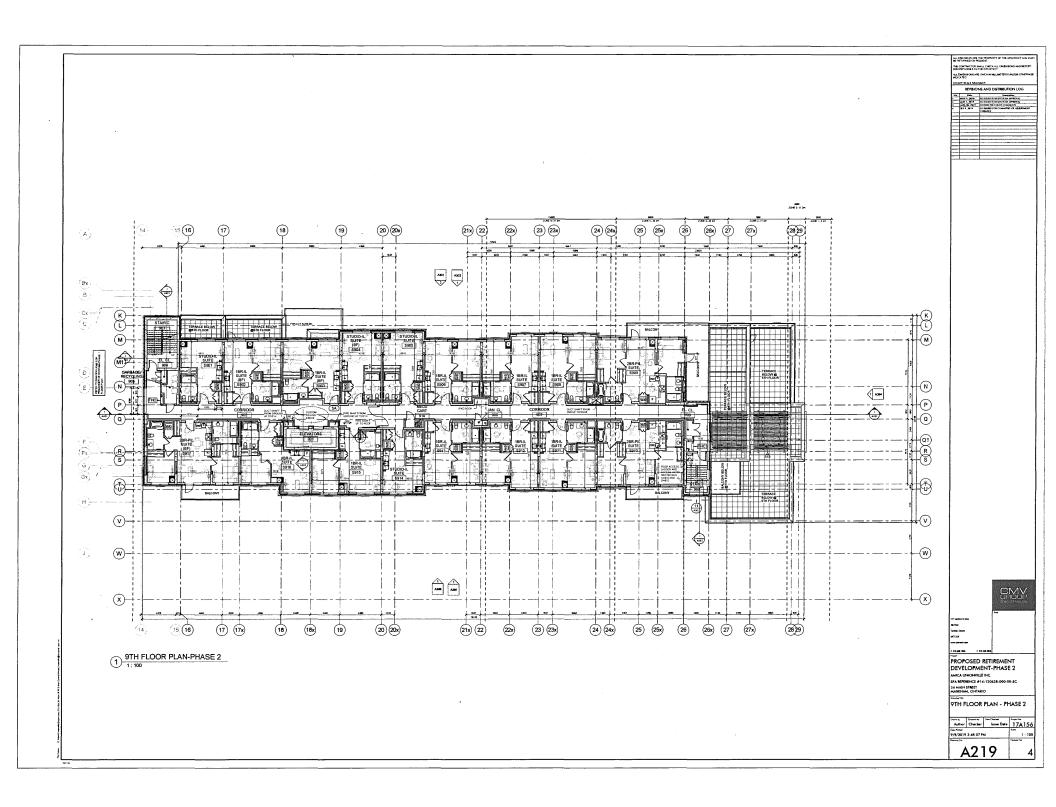


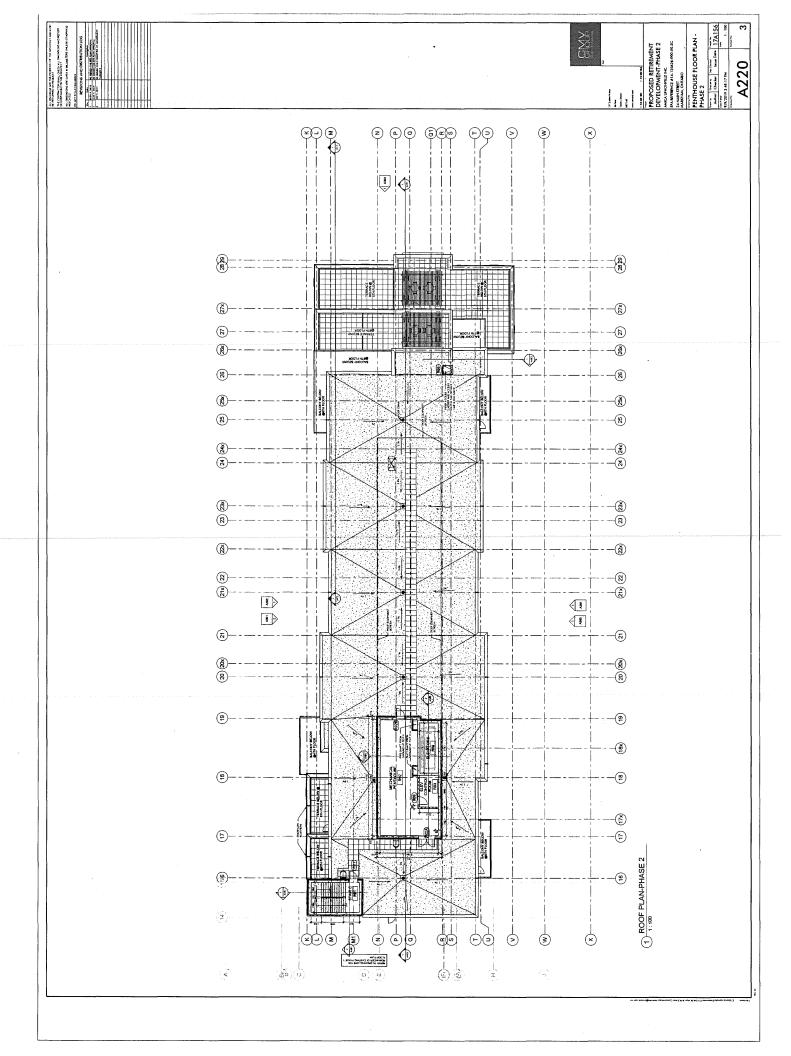


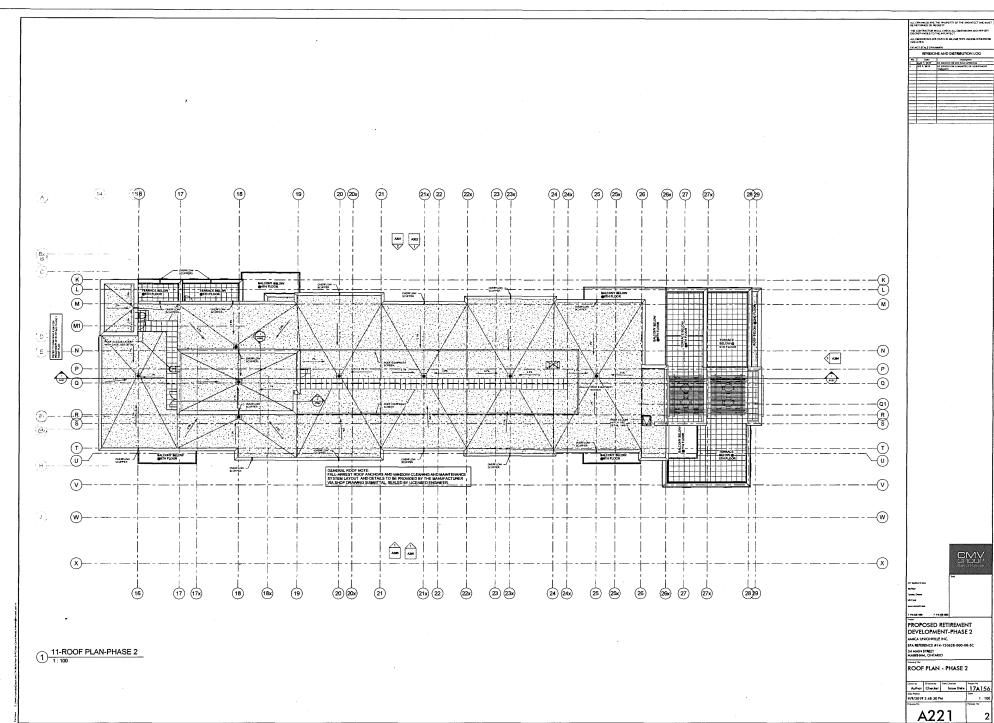


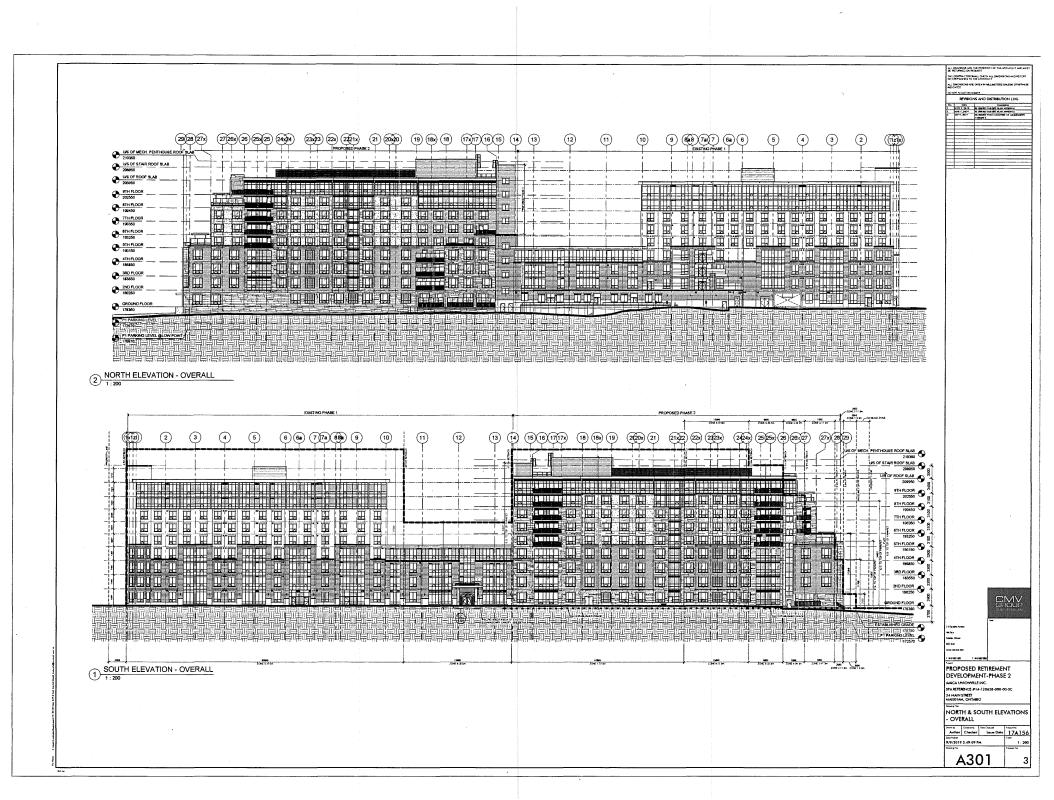


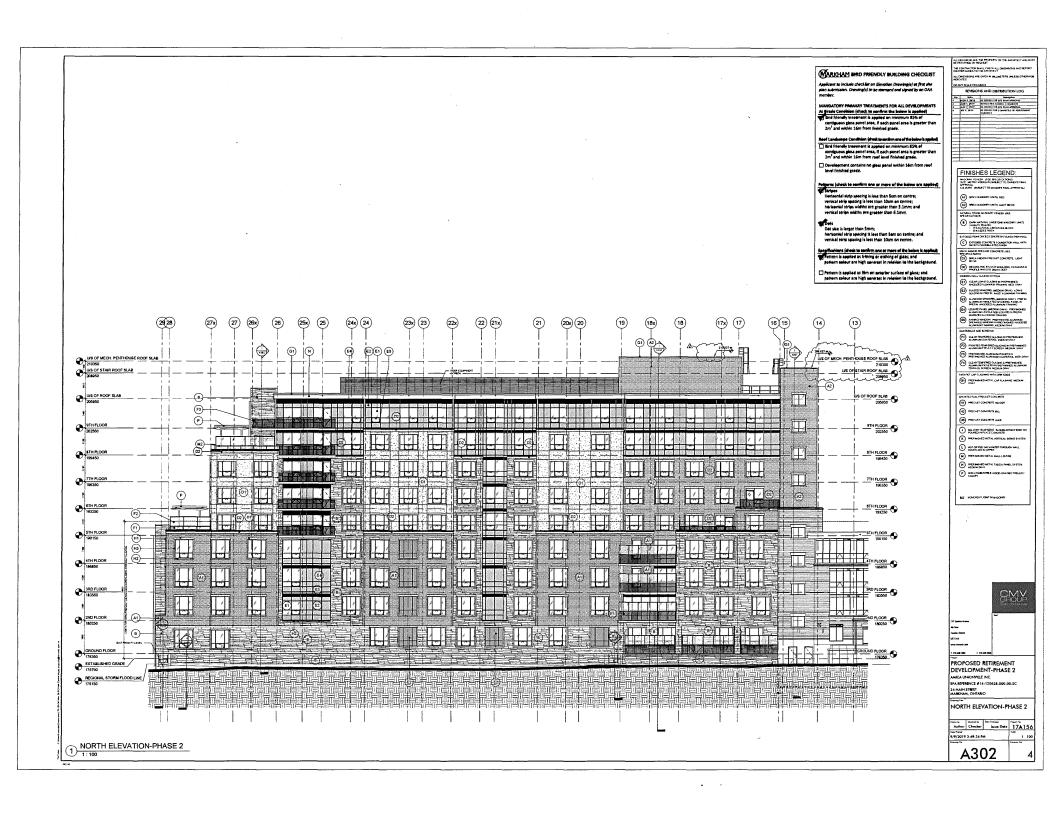


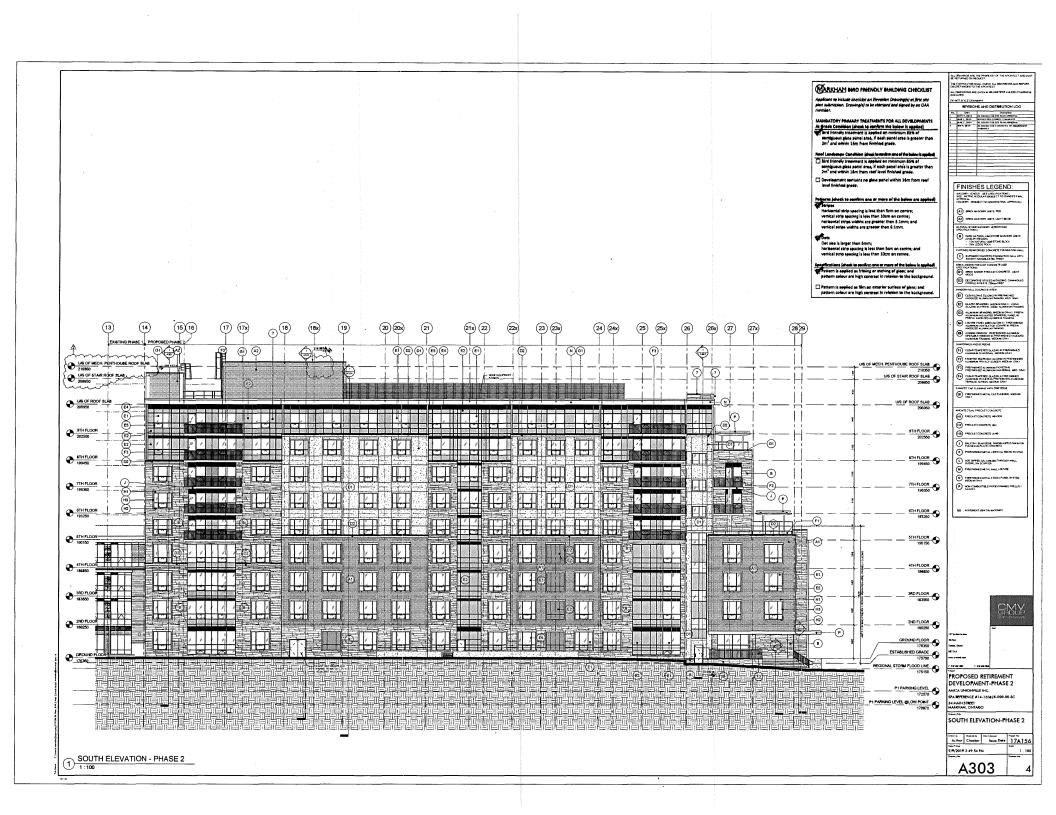


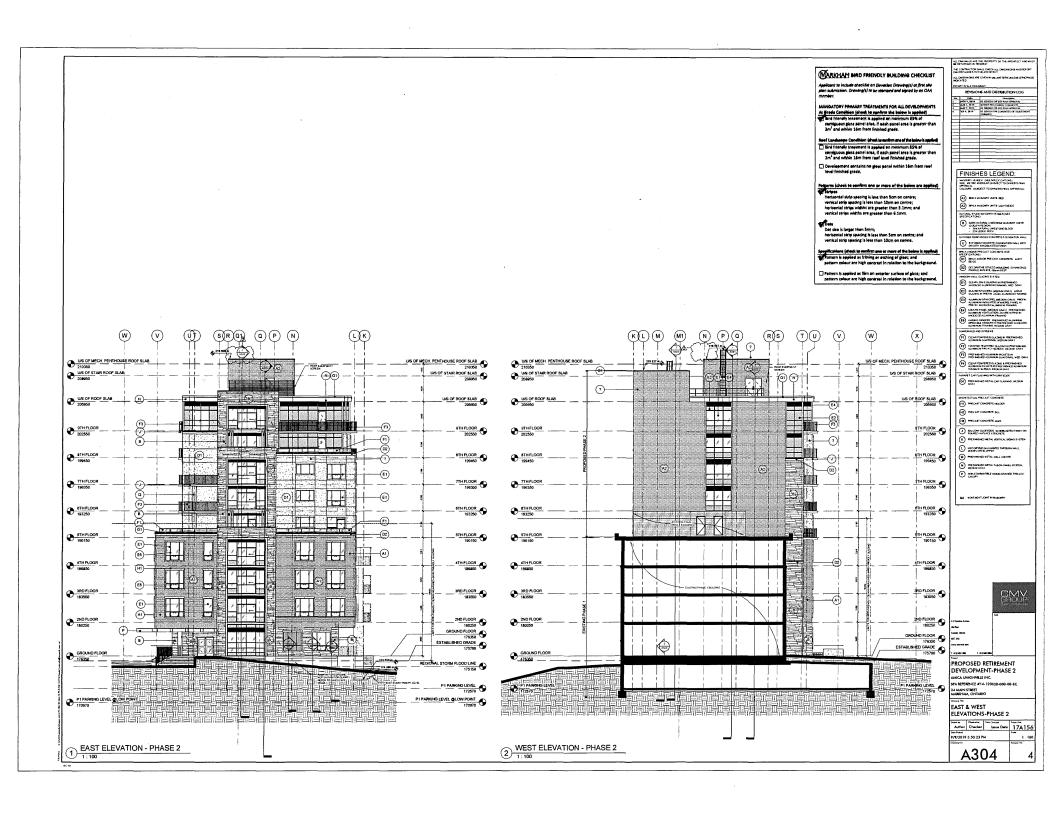


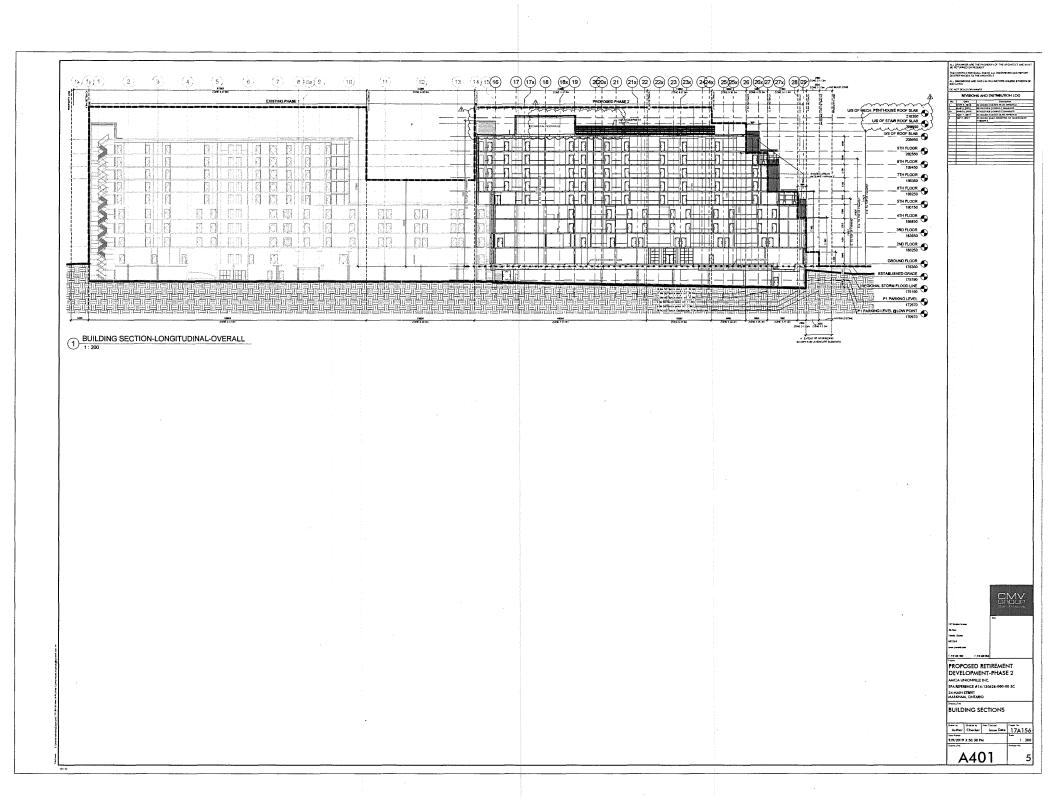














November 1, 2019

CFN 60816.11 X Ref CFN 50301.16 & 60777.01

By Email Only (email: JLeung@markham.ca)

Mr. Justin Leung Secretary-Treasurer Committee of Adjustment City of Markham 101 Town Centre Boulevard Markham, ON L3R 9W3

Dear Mr. Leung:

Re:

A/93/19 (Minor Variance Application)

B/15/19 (Consent Application)

34 Main Street Unionville, City of Markham

Owner: Amica Unionville Inc.

Further to our previous comment letter dated September 26, 2019, this letter acknowledges receipt of the revised submission associated with the above noted application. As such, the comments within Toronto and Region Conservation Authority (TRCA) staff have reviewed the revised circulation and our comments are provided herein.

Purpose of the Applications

A/93/19

It is our understanding that the applicant is requesting relief from the requirements of By-law 2004-196, as amended, as it relates to a proposed 9-storey retirement home with 144 units and 1 level of below grade parking on the subject property.

Requested permission:

- a) Amending By-law 2010-48, Section 6.8.2(a): a minimum width of landscaped strip along the southern lot line of 0m, whereas the By-law requires a minimum width of 3 m;
- b) Amending By-law 2010-48, Schedule E2:
 a maximum of 294 retirement rooms of which a maximum of 16 may include cooking facilities, whereas the By-law permits a maximum 283;
- c) Amending By-law 2010-48, Schedule E3: a maximum height of 16 m in height layer 2, whereas the By-law permits a maximum height of 11.3 m;
- d) Amending By-law 2010-48, Schedule E3: a maximum height of 25 m in height layer 3, whereas the By-law permits a maximum height of 17.3m;

- e) Amending By-law 2010-48, Schedule E3:
 a maximum height of 32m in height layer 4, whereas the By-law permits a maximum height of 26.3m;
- f) Amending By-law 2010-48, Schedule E4: a minimum setback of 9.90m from the south lot line, whereas the By-law requires a minimum of 11m;
- g) Amending By-law 2010-48, Schedule E4:
 a minimum north building setback at ground level of 5m, whereas the By-law requires 7m;
 and,
- h) Amending By-law 2010-48, Schedule E4, Exception*4: an underground parking garage to encroach 10.5 m into the south property line setback, whereas the By-law permits 8m.

B/15/19

Requesting provisional consent to:

a) Establish easements on the subject property for access and maintenance of the sanitary sewer in favour of Phase 3, Part 5, owned by Safe & Sound Storage Inc., over Parts 6, 7, 8 and 9, owned by Amica Unionville Inc. The proposed consent is to formalize a service already approved by the City and constructed.

Applicable TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06, as amended:

Based on the available information at this time, the subject property is within TRCA's Regulated Area as it is partially within a Regulatory Storm floodplain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place in the Regulated Area:

- a) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland:
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA:

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure.

Application History

The TRCA has been involved in reviewing the related application for Site Plan approval (City File No. SC 14 120628) to facilitate the development of Phase II of a retirement residence complex on the subject property. Based on TRCA's most recent comment letter dated July 19, 2019 TRCA staff are satisfied that our previous comments have been addressed.

Application Specific Comments

Based on our review of the material provided in support of this Minor Variance application and Consent application, the proposed retirement residence complex development is consistent with what was proposed under the related Site Plan application. However, TRCA staff note that floodplain modeling for the Rouge River Watershed has recently been updated and the Regional Storm floodplain elevation that applies to this location is 175.00 masl (from 174.80 masl previously). As such, the plans and drawings submitted as part of the owner's future TRCA Permit Application will need to be revised to show the updated floodplain of 175.00 masl, proposed buffers to the updated floodplain and floodproofing elevation of 175.30 (i.e. 175.00 + 0.3m freeboard), and demonstrate that the proposed development has been floodproofed.

Application Review Fee

Please note that TRCA has received the combined review fee of \$1,400 for the subject applications. Additional review fees will be required for in support of the owner's future TRCA Permit Application, which will be based on the fee schedule in effect at the time of application.

Recommendation

In light of the above, TRCA staff have no objection to the Minor Variance and Consent applications, subject to the following conditions:

• That the applicant successfully obtains a permit from the TRCA pursuant to Ontario Regulation 166/06, as amended, for the proposed development. Please note that this will involve the submission of updated plans demonstrating that the proposed development has been setback from the floodplain and floodproofed.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,

Andrea Lam Planner I

Development Planning and Permits

Extension 5306

AL/mb